

ORDINANCE NO. 411

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING PART 2 ENTITLED "PUBLIC GATHERINGS", OF CHAPTER XVII ENTITLED "LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS" OF THE TOWNSHIP OF SPRING CODE OF ORDINANCES BY AMENDING SECTION 208 ENTITLED "CONDUCT OF PUBLIC GATHERINGS" TO PROHIBIT ADULT BUSINESS USES OR OTHER ACTIVITIES WHICH INCLUDE NUDITY OF PATRONS OR EMPLOYEES

BE IT ENACTED and ORDAINED by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Township") and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Section 208 entitled "Conduct of Public Gatherings", of Part 2 entitled "Public Gatherings", of Chapter XVII entitled "Licenses, Permits and General Business Regulations", of the Code of Ordinances of the Township of Spring is hereby amended and restated in its entirety as follows:

"Section 208. Conduct of Public Gathering.

(A) Public gathering permittees shall maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, medical service facilities and other facilities and utilities provided in accordance with the plans submitted and approved, and in a safe and healthful manner.

(B) No permittee or persons having control of the public gathering, shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale or use of intoxicating beverages or drugs.

(C) No adult business use or other activity in which participation by nude patrons or employees is an integral characteristic of such use or activity shall be promoted, co-located, or conducted contemporaneously with any part of or in relation to any public gathering, admission to which is open to the general public. For purposes of this subparagraph (C), the term "nude" shall have such meaning as defined at Section 5903 of the Pennsylvania Crimes Code, 18 Pa.C.S. §5903, and "contemporaneously" shall mean any time during the period in which the permit for public use is effective or during the same 24 hour period during

which any other activity subject of the public gathering permit is conducted.

(D) The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Part, or other ordinances of Berks County or of the Township of Spring, or of the conditions of the permit granted hereunder, may be cause for immediate revocation of the permit by the Township of Spring upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

(E) The Township of Spring, its authorized agents and representatives, shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

(F) No entertainment, amusement or use of sound amplification equipment shall be provided or permitted between the hours of 11:00 p.m. and 10:00 a.m., Sunday through Thursday and midnight and 10:00 a.m. Friday and Saturday.

(G) Sponsor(s) of the public gathering and/or the person in charge of property, or their designated agents or representatives, shall at all times be in attendance at the public gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any State or Township laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania and/or the Township of Spring.

(H) Public gatherings operating without a permit under this Part based on a reasonable anticipation of less than five hundred (500) persons in attendance shall limit attendance therein to four hundred ninety-nine (499) persons, and printed tickets, if utilized, shall not number more than four hundred ninety-nine (499).

(I) At the conclusion of the program, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the licensed premises, except permanent residents, unless

temporary overnight accommodations were previously approved by the Township of Spring, in writing, pursuant to the application process of this Part.

(J) For public gatherings where a public highway will require partial or full closure for the event, a street usage permit must be obtained in addition to any permit required under this Part. A separate application must be obtained from the Township of Spring. "

SECTION 2. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 3. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

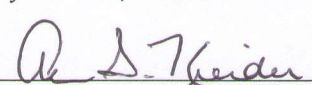
SECTION 4. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

SECTION 5. The Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Township of Spring Code of Ordinances upon adoption.

DULY ORDAINED and ENACTED as an Ordinance this 27th day of May,
2014.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SPRING
Berks County, Pennsylvania


Patti J. Smith, Chairman

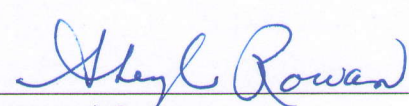

Alan S. Kreider, Vice Chairman


Barry W. Ulrich


Kyle M. Hummel


James R. Oswald

Attest:


(Assistant) Secretary

[SEAL]

MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (~~Assistant~~) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 411 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on May 20, 2014, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on May 27, 2014.

[SEAL]

Sheryl Rowan
(~~Assistant~~) Secretary